REMARKS

Reconsideration of the present application is requested. Claims 1-43 are currently pending, with claims 1, 12 and 13 being currently amended. Claims 1, 12 and 13 are independent claims. Support for amendments made to claims 1, 12 and/or 13 may be found, for example, in paragraph [0008] of Applicants' Substitute Specification.

ENTRY OF THIS AMENDMENT AFTER FINAL IS REQUESTED

Applicants request entry of this Amendment after Final in that the amendments made to claims 1, 12 and 13 only further clarify features previously set forth and/or implicitly recited therein, and do not raise any new issues requiring further consideration and/or search.

REJECTION UNDER 35 U.S.C. §101

The Examiner rejects claim 13 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants have amended claim 13, taking into account the suggestions and comments made by the Examiner. Withdrawal of this rejection is requested.

PRIOR ART REJECTIONS

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner rejects claims 1-3, 5-7, 9-13, 16-18, 20-24, 26-28, 30-35, 37-39 and 41-43 under 35 U.S.C. §103(a) as allegedly being unpatentable over "Microsim Pspice A/D & Basics+," June 1997 ("Microsim") in view of U.S. Patent No. 6,327,557 ("Croix") and "Microsim Pspice Optimizer," June 1997, ("Optimizer"). Applicants traverse this rejection.

I. THE REJECTION OF CLAIM 1 SHOULD BE WITHDRAWN BECAUSE THE EXAMINER HAS FAILED TO ESTABLISH A *PRIMA FACIE* CASE OF OBVIOUSNESS FOR REJECTING CLAIMS 1, 12 OR 13.

The rejection of claim 1 should be withdrawn because Microsim, Croix and Optimizer, taken singly or in combination, fail to teach or suggest a method for simulation of a technical system, wherein a *"function is optimized with regard to its parameters and afterwards an influence of the setting constants during simulation is taken into account separately from the optimization,"* as required by claim 1. To establish a proper *prima facie* case of obviousness for rejecting claim 1, Microsim, Croix and Optimizer when combined must teach or suggest all features of the claim. M.P.E.P. § 706.02(j). In the present case, even assuming *arguendo* that Microsim, Croix and Optimizer could be combined (which Applicants do not admit), the combination still fails to teach at least the above-recited feature of claim 1, for example. Therefore, the rejection should be withdrawn because a *prima facie* case for rejecting claim 1 has not been established. The rejection of claims 12 and 13 should also be withdrawn for at least somewhat similar reasons.

A. THE REJECTION SHOULD BE WITHDRAWN BECAUSE VALUES C1VAL, C2VAL, R1VAL, R2VAL AND GAIN OF MICROSIM DO NOT CONSTITUTE THE *"SETTING CONSTANTS,"* OF CLAIM 1.

1. THE VALUES C1VAL, C2VAL, R1VAL, R2VAL AND GAIN OF MICROSIM DO NOT CONSTITUTE THE *"SETTING CONSTANTS,"* OF CLAIM 1 BECAUSE VALUES C1VAL, C2VAL, R1VAL, R2VAL AND GAIN OF MICROSIM ARE NOT TAKEN INTO ACCOUNT SEPARATELY FROM THE OPTIMIZATION AND AFTER THE FUNCTION IS OPTIMIZED WITH REGARD TO ITS PARAMETERS, AS REQUIRED BY CLAIM 1.

The Examiner relies upon values c1val, c2val, r1val, r2val and gain of Microsim to allegedly teach the *"setting constants,"* of claim 1. *Office Action* at

10. However, these values cannot constitute the *"setting constants,"* of claim 1 because the values c1val, c2val, r1val, r2val and gain of Microsim are <u>not</u> taken into account separately from the optimization and after the function is optimized with regard to its parameters. By contrast, <u>the parameters AGND and N1 from the function V(AGND,N1) and c1val, c2val, r1val, r2val and gain in Microsim are considered simultaneously</u>. *Microsim* at 4-4. Therefore, the values c1val, c2val, r1val, r2val and gain of Microsim are not the "*setting constants*," of claim 1 because <u>an influence of these values in Microsim is not taken into account separately from the optimization and after the function is optimized with regard to parameters AGND and N1</u>.

Both Croix and Optimizer suffer from the same deficiencies as Microsim with respect to claim 1. Therefore, a *prima facie* case of obviousness has not been established because Microsim, Croix and Optimizer, when combined, fail to teach or suggest all features of claim 1. For at least the foregoing reasons, the rejection of claim 1 should be withdrawn. The rejection of claims 12 and 13 should be withdrawn for at least reasons somewhat similar to those set forth above with respect to claim 1. Dependent claims 2-3, 5-7, 9-11, 16-18, 20-24, 26-28, 30-35, 37-39 and 41-43 are allowable at least by virtue of their dependency from independent claims 1, 12 or 13.

FURTHER PRIOR ART REJECTIONS

The Examiner further rejects claims 4, 14-15, 25 and 36 as unpatentable over Microsim, Croix, Optimizer and common knowledge in the art; and claims 8, 19, 29 and 40 as unpatentable over Microsim, Croix, Optimizer and U.S.

Patent No. 6,606,612 ("Rai"). However, Applicants respectfully submit that neither common knowledge in the art nor Rai at least make up for the above described deficiencies of Microsim, Croix and Optimizer with respect to claims 1, 12 and/or 13. Therefore, even assuming *arguendo* that these references could be combined (which Applicants do not admit), the combination would still fail to teach or suggest all features of claims 4, 8, 14, 15, 19, 25, 29, 36 and 40. Therefore, withdrawal of this rejection is requested.
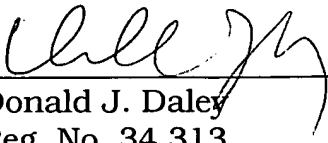
CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully Submitted,

HARNESS, DICKEY & PIERCE, PLC

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